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Date: February 1, 2006**File Number: 9400-235CT (98033)****Telecopier No.: 571-273-8300**

**To: Mail Stop Amendment
Examiner Thien D. Tran, GAU 2665
U.S. Patent and Trademark Office**

From: Mitchell S. Bigel

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**Re: Nimmagadda, Method and System for Selection of Mode of Operation of a Service In Light of Use of Another Service In An ADSL System
Serial No. 10/057,589, Filed January 24, 2002**

Attached is a "Request to Withdraw Erroneous Office Action and to Issue a New Office Action" for the referenced application.

**CERTIFICATION OF FACSIMILE TRANSMISSION
UNDER 37 CFR § 1.8**

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Susan E. Freedman

Date of Signature: February 1, 2006

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Attorney Docket No. 9400-235CT (98033)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Prasad Nirmmagadda
Serial No.: 10/057,589
Filed: January 24, 2002
For: METHOD AND SYSTEM FOR SELECTION OF MODE OF OPERATION
OF A SERVICE IN LIGHT OF USE OF ANOTHER SERVICE IN AN
ADSL SYSTEM

Confirmation No.: 3799
Group Art Unit: 2665
Examiner: Thien D. Tran

February 1, 2006

Mail Stop Amendment
Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

**REQUEST TO WITHDRAW ERRONEOUS OFFICE ACTION
AND TO ISSUE A NEW OFFICE ACTION**

Sir:

The present Request is being filed to confirm in writing Applicant's telephone request to the Examiner to withdraw the erroneous Office Action of September 28, 2005, which did not take into account two Preliminary Amendments that were filed, and to issue a new Office Action based on the currently pending claim set. The Examiner agreed to do so, but asked Applicant to file the present written Request.

In particular, on September 28, 2005, an Office Action was issued that indicates that Claims 1-27 are pending. Unfortunately, however, this Office Action did not take into account Applicant's Preliminary Amendment that was filed concurrent with the present application on January 24, 2002, and Applicant's second Preliminary Amendment that was filed on March 5, 2002. Based on these Preliminary Amendments, Claims 1-5 and 28-60 are pending. These two Preliminary Amendments are included in the electronic file wrapper, and on the PAIR system, so that they were properly received and processed by the U.S. Patent and Trademark Office.

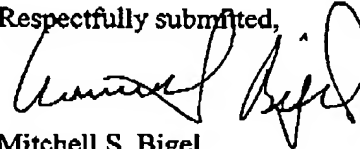
On November 22, 2005, the undersigned contacted Examiner Tran and pointed out this inadvertent error. The Examiner agreed to void the Office Action of September 28, 2005, to examine the pending claims, and to issue a new Office Action. However, as of February 1, 2006, a new Office Action has not been forthcoming.

In re: Prasad Nimmagadda
Serial No.: 10/057,589
Filed: January 24, 2002
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Accordingly, the undersigned again contacted Examiner Tran on February 1, 2006. Examiner Tran asked Applicant to file the present Request, in order to provide a written record and trigger a new Office Action. The above constitutes a complete summary of the two telephone conferences with the Examiner pursuant to MPEP §713.04.

In view of the above, Applicant hereby requests the Examiner to withdraw the Office Action of September 28, 2005, to examine pending Claims 1-5 and 28-60 and to issue a new Office Action and/or a Notice of Allowance.

Respectfully submitted,

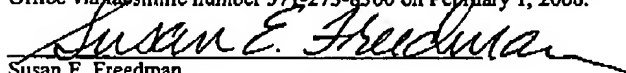


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Susan E. Freedman
Date of Signature: February 1, 2006